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C O N F I D E N T I A L KIGALI 000743

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TAGS: [PREL](#) [PHUM](#) [RW](#)
SUBJECT: BUSINESSMEN, GENERALS, AND GOVERNMENT MINISTERS:
ALL MUST ANSWER FOR THEIR ACTIONS

REF: KIGALI 209

Classified By: Ambassador Michael R. Arietti, reason 1.4 (B/D)

¶1. (SBU) Summary. The recent case of prominent local businessman Assinapol Rwigara, sought by police after a construction-site accident, is an object lesson in Rwandan law enforcement in action, and the rumor-mill that attends the arrest of any public personality. Officials extended the operative law enforcement model of immediate arrest, incarceration and questioning to two generals who allegedly interfered in police attempts to find the businessman. Despite his family's initial claim that the police had detained Rwigara secretly, friends and family members quietly negotiated his surrender to the prosecutor general. Concurrently, a months-long inquiry into the various fiscal failing of 46 government institutions has culminated in the questioning of several ministers and senior civil servants by the police and prosecution service. The larger story, here encapsulated by the arrest of the three men, together with the summoning after months of careful preparation of senior officials in regard to the Auditor General's findings, is the sense that the GOR takes public probity seriously: no one is above the law. End summary.

¶2. (SBU) On August 16, Assinapol Rwigara, a well-known local businessman, surrendered himself in the presence of his attorneys to Prosecutor General Martin Ngoga. Rwigara had been sought by police for questioning since mid-July, after the collapse of a construction site dig for an office building Rwigara planned to construct. Five workers lost their lives, and several others were seriously injured. The accident occasioned considerable media attention, and immediate allegations of shoddy work practices and lack of attention by city authorities (if not worse - rumors of bribery also surfaced). Police responded with the issuance of arrest warrants for Rwigara and several construction engineers; the engineers were later released pending further investigation.

¶3. (SBU) Rwigara family members at various times claimed he had been arrested and detained, and expressed concern for his safety, charges the police and prosecution service vigorously denied. At the funeral of another local businessman's wife, attended by many prominent Rwandans, Rwigara made a Scarlet Pimpernel appearance, at one point supposedly addressing the crowd on the unfairness of his status as a fugitive. Police, tipped off, attempted to arrest him. Two generals, Kaka and Rusegara (one retired and a member of parliament, the other the head of a military training school), allegedly interfered in the arrest, and Rusegara made his escape. The two generals then found themselves under arrest for obstruction

of justice (the generals first court appearance was scheduled for August 17). Ministry of Defense Secretary General Zac Nzenga told polchief August 17 that senior police officials, in a fury, conveyed their unhappiness to military justice personnel, and demanded action. The military felt compelled to respond with the arrest of the two generals, he said. (Note: parliamentary officials also acted swiftly to life the immunity of the MP).

14. (C) Despite continued claims by the family that Rwigara was already under arrest and at risk of abuse, Ngoga told polchief August 17 that friends and family members had in fact quietly negotiated Rwigara's surrender with Ngoga over the course of several days. Rwigara eventually appeared with his legal counsel at Ngoga's office, and Ngoga accompanied them to the police. With his counsel attending, said Ngoga, police have begun their questioning of Rwigara. Claims by Rwigara's family of secret arrest and possible abuse thus appear to be untrue. Ngoga confirmed that the police officers who had failed to affect the arrest of Rwigara at the funeral service were also in custody, pending investigation into their actions.

15. (C) Worth noting are Rwigara's past business practices -- not all of Rwigara's activities have been entirely aboveboard, and that may have colored official reaction to the construction accident. For example, he engaged in lucrative cigarette smuggling in the past, and has a criminal conviction to show for it, say the police.

16. (C) Ngoga also discussed at some length a months-long investigation by police and the prosecution service, based upon the findings of an Auditor General's report issued at the end of 2006 (see reftel). Forty-six government

institutions had been sent a letter of inquiry, asking for detailed responses to the Auditor General's findings. Most of the institutions had replied, some offering explanations or additional documentation, some formally disagreeing with the findings. Twelve cases alleging criminal behavior had been filed in court, he said, and several institutions had been cleared of any fault. To considerable local media attention, over the last several days, the police and prosecution service have summoned several senior officials, including the Ministers of Finance and Commerce, to answer questions and assist inquiries. Ngoga cautioned that questioning did not imply that prosecutions necessarily lay in store for any of the senior officials. He noted that a team of prosecutors, police investigators and auditors continued to examine carefully the Auditor General's findings, responses by offices and ministries, and testimony by officials.

17. (C) Comment. Assinapol Rwigara and his escapades seized the nation's attention for several weeks (until overshadowed by the summoning of senior officials regarding the Auditor General's findings). However, the Rwigara incident appears to be a routine police matter: workers lost their lives in a construction accident, and serious allegations surfaced of poor work practices and an inattentive city government. The arrest of the generals is both more interesting and more significant: two prominent military men, who apparently attempted to use their high station to protect a friend in legal distress, found themselves on the wrong end of Rwandan law enforcement. Some Rwandans do feel that the attempted arrest of Rwigara at a funeral was unseemly, and the generals' actions were thus excusable. However, the generals' alleged public display of disobedience to law, and the lawful commands of law enforcement personnel, brought a swift reaction.

18. (C) Comment continued. However, for this embassy, the larger story, as shown by the arrest of the three men, together with the summoning after months of careful preparation of senior officials in regard to the Auditor General's findings, is the sense that the GOR takes public probity seriously. Breaches of public decorum (the generals), evasion of one's civic responsibility to

participate in investigations (the businessman) and the poor accounting for public funds (the forty-six public institutions) will bring law enforcement to your door. While we may differ with the Rwandans on the severity of their law enforcement reaction -- are arrest warrants really necessary for a construction accident, or generals who try to pull rank on police officers -- we do not disagree with the principle on display -- no one is above the law. End comment. .

ARIETTI